

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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JOHN MILLER,

Plaintiff,

-against-

GLORIA MEROLLA,

Defendants.

**NOTICE OF
REMOVAL**

15-001313

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TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Gloria Merolla hereby removes to the United States District Court for the Eastern District of New York the state court action described below.

1. On or about February 11, 2015, an action was commenced by Plaintiff John Miller in the Supreme Court, State of New York, Count of Nassau, entitled *John Miller v. Gloria Merolla*, Case number 15-001313. See Exhibit A, annexed hereto.

2. Defendant Merolla has not been properly served in the action as required under the CPLR. Mr. Miller's counsel was made aware of this fact on March 6, 2015. Upon information and belief, no effort has been taken to cure the defects in service.

3. The subject matter of the above-captioned action is also currently pending before the United States District Court for Eastern District of New York, in the matter of *Merolla v. County of Nassau*, et al., 13 CV 5360 (JFB)(GRB). Moreover, the claims brought in the state court should have been raised as compulsory

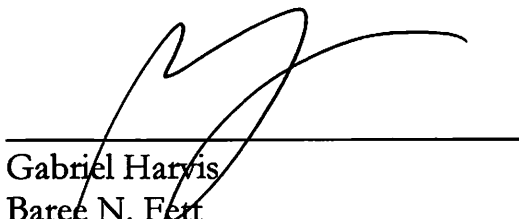
counterclaims in the federal action and have therefore been waived pursuant to Fed. R. Civ. P. 13.

4. Pursuant to 28 U.S.C. § 1446 (b), this notice has been timely filed.

5. This action is a civil action of which this Court has supplemental jurisdiction under 28 U.S.C. § 1367.

WHEREFORE, Defendant Gloria Merolla prays that this action be removed to the United States District Court for the Eastern District of New York.

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